

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant | : | Levine, Robert Paul |
| Appl. No. | : | 10/759,785 |
| Filed | : | January 16, 2004 |
| For | : | KLUYVEROMYCES STRAINS METABOLIZING CELLULOSIC AND HEMICELLULOSIC MATERIALS |
| Examiner | : | Marx, Irene |
| Group Art Unit | : | 1651 |

DECLARATION UNDER 37 C.F.R. § 1.132 REGARDING DEPOSIT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, John W. Jacobs, declare as follows

1. I am the Chief Operating Officer and Chief Scientific Officer for Phage Biotechnology, the assignee for the above-referenced application.
2. A deposit of *Kluyveromyces marxianus* strain SSSJ-0 was made on July 26, 2001 with American Type Culture Collection, 10801 University Blvd., Manassas, VA 20110.
3. The deposited material has the following accession no.: ATCC Accession No. PTA-3567.
4. All restrictions upon availability to the public will be irrevocably removed upon granting of the patent.
5. During the pendency of this application, access to the invention will be afforded upon request to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

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6. The deposit will be maintained with all care necessary to keep it viable and uncontaminated in a public depository for a period of 30 years or 5 years after the last request or for the effective life of the patent, whichever is longer.

7. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States codes and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Dated: 6/07/07

By: 

John W. Jacobs
Chief Operating Officer/
Chief Scientific Officer
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